

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

BARBARA ANN NICHOLSON, :

Plaintiff, : CIVIL ACTION NO.  
v. : 1:10-cv-00795-JEC-AJB  
ONEWEST BANK, :  
Defendant. :

**AMENDMENT TO COMPLAINT**

COMES NOW, Plaintiff, prior to answer of Defendant, and amends her complaint by amending paragraph 12 of her complaint to read

12.

On March 16, 2010, FDIC purported to assign a security deed to OneWest Bank. Thus, any notice of foreclosure prior to that date was in violation of O.C.G.A. § 44-14-162.2. Moreover, as of the date of the amendment, OneWest is not the owner of the loan, but instead the loan is in the name of Fannie Mae. See Attachment A & B. Compare Levi Strauss & Co. v. Sunrise Intern. Trading Inc., 51 F.3d 982, 985 (11<sup>th</sup> Cir. 1995).

[Signature on Next Page]

Respectfully submitted,

/s/ Ralph Goldberg \_\_\_\_\_

Ralph Goldberg  
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## **CERTIFICATE OF SERVICE**

This is to certify that on this day counsel of record for the opposing party in the foregoing matter was served with a copy of this document by depositing in the United States Mail copies of the same in properly addressed envelopes with adequate postage thereon or by notification of electronic filing.

John Andrle  
McCurdy & Candler, L.L.C.  
250 E. Ponce De Leon Avenue, Suite 600  
Decatur, GA 30031

This 13<sup>th</sup> day of April, 2010

/s/ Ralph Goldberg  
Ralph Goldberg  
Attorney for Plaintiff

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